

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARPENTERS HEALTH & SECURITY
TRUST OF WESTERN WASHINGTON,
CARPENTERS RETIREMENT TRUST,
CARPENTERS-EMPLOYERS VACATION
TRUST, CARPENTERS-EMPLOYERS
APPRENTICESHIP & TRAINING TRUST
and PACIFIC NORTHWEST REGIONAL
COUNCIL OF CARPENTERS,

Plaintiffs,

v.

MOUNTAIN PACIFIC RAIL, INC., a
Washington corporation,

Defendants.

Case No. C06-5155 RBL


ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT
AND DENYING DEFENDANT'S
MOTION FOR A CONTINUANCE
UNDER RULE 56(f)

This matter is before the court on Plaintiffs' Motion for Summary Judgment. Defendants do not deny the substantive allegations in the complaint or the principal amount of damages sought in the Motion. They seek a continuance of the Motion under Fed. R. Civ. P. 56(f) to conduct discovery into the amount of fees and other "ancillary costs" sought by the Plaintiffs. They also seek time to determine whether to file a third party complaint.

The Court will Grant the Plaintiffs' Motion. The Defendant has shown no defense to the principal amount claimed (\$29,788.60), and has not shown what substantive information might be discovered if the Motion is continued. Specifically, the total amount of fees sought (\$7,250.75) is reasonable in light of the amount in controversy and the work involved, and despite the identical \$175.00/hour rates of attorneys with

1 differing experience levels. The other elements of damages, liquidated (\$3,574.63), interest (\$2,159.41) and
2 costs (\$335.71) appear to be reasonable and it is difficult to imagine that any net savings from these amounts
3 could be realized following the additional costs of further discovery. The Plaintiffs' Motion for Summary
4 Judgment [Dkt. #8] is therefore GRANTED. The Clerk is directed to prepare and enter a judgment summary
5 consistent with this Order.

6 DATED this 21st day of November, 2006.

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10 RONALD B. LEIGHTON
11 UNITED STATES DISTRICT JUDGE
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